

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.: 2007-1781-IWD-E TCEQ ID: RN100210350 CASE NO.: 34893**  
**RESPONDENT NAME: Oxid L.P.**

|   |   |   |
|---|---|---|
| <b>ORDER TYPE:</b>  |   |   |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER   | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING<br>SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER   | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL<br>ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER  | <input type="checkbox"/> EMERGENCY ORDER                    |   |
| <b>CASE TYPE:</b>   |   |   |
| <input type="checkbox"/> AIR  | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS<br>WASTE              |
| <input type="checkbox"/> PUBLIC WATER SUPPLY  | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                     |
| <input checked="" type="checkbox"/> WATER QUALITY   | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION<br>CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE  | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                       |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Oxid, 101 Concrete Street, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical processing facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 21, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> TCEQ Attorney/SEP Coordinator: None<br/> TCEQ Enforcement Coordinator: Mr. Andrew Hunt, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1203; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171<br/> Respondent: Mr. Mac Medlen, President, Oxid L.P., 101 Concrete Street, Houston, Texas 77012<br/> Mr. Andrew J. Adams, Vice President Manufacturing &amp; Sales, Oxid L.P., 101 Concrete Street, Houston, Texas 77012<br/> Respondent's Attorney: Not represented by counsel on this enforcement matter</p> |   |   |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED  |
|--|---|--|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 11, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 23, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>WATER</b></p> <p>1) Failed to comply with the permitted effluent limitations for oil and grease and chemical oxygen demand [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 02102, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the Discharge Monitoring Report ("DMR") for the monitoring period ending January 31, 2007 by February 20, 2007 [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 02102, Monitoring and Reporting Requirements No. 1].</p> <p>3) Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the DMR parameter data for pH minimum for the monitoring periods ending June 30, 2006, July 31, 2006, and December 31, 2006 [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 02102, Monitoring and Reporting Requirements No. 1].</p> | <p><b>Total Assessed:</b> \$7,040</p> <p><b>Total Deferred:</b> \$1,408<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$5,632</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted completed electronic DMRs, on October 28, 2007 for monitoring periods June 2006, July 2006, and December 2006; and</p> <p>b. On November 2, 2007, submitted the DMR for monitoring period ending January 31, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 02102. The certification shall include detailed supporting documentation including receipts, and /or other records to demonstrate compliance.</p> |

Additional ID No(s): WQ0002102000



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES

Assigned  
PCW

31-Oct-2007

1-Nov-2007

Screening

1-Nov-2007

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent Oxid L.P.

Reg. Ent. Ref. No. RN100210350

Facility/Site Region 12-Houston

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 34893

Docket No. 2007-1781-IWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 3

Order Type 1660

Enf. Coordinator Andrew Hunt

EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$4,400

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

65% Enhancement

Subtotals 2, 3, &amp; 7

\$2,860

Notes

An enhancement is recommended due to two NOV's with same or similar violations, two NOV's with unrelated violations, and 11 months of self-reported effluent violations. Also, a reduction is recommended due to two notices of intent to conduct a self-audit and one disclosure of violation under the Self-Audit Act.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary |            |                               |
| Ordinary      |            |                               |
| N/A           | X          | (mark with x)                 |

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6

\$0

|                            |          |
|----------------------------|----------|
| Total EB Amounts           | \$1,172  |
| Approx. Cost of Compliance | \$10,050 |

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

Final Subtotal

\$7,260

## OTHER FACTORS AS JUSTICE MAY REQUIRE

-3%

Adjustment

-\$220

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommended reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were self-reported.

Final Penalty Amount

\$7,040

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$7,040

## DEFERRAL

20%

Reduction

Adjustment

-\$1,408

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

## PAYABLE PENALTY

\$5,632

Screening Date 1-Nov-2007

Docket No. 2007-1781-IWD-E

PCW

Respondent Oxid L.P.

Policy Revision 2 (September 2002)

Case ID No. 34893

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100210350

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 13                | 65%     |
|                               | Other written NOVs   | 2                 | 4%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 2                 | -2%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 1                 | -2%     |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 65%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

An enhancement is recommended due to two NOVs with same or similar violations, two NOVs with unrelated violations, and 11 months of self-reported effluent violations. Also, a reduction is recommended due to two notices of intent to conduct a self-audit and one disclosure of violation under the Self-Audit Act.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 65%

|   |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
|---|---|---|---|---|----------------------------|---|---|--|---|---|---|--------|---|---|---|--|-----------|---|---|---|
| <b>Screening Date</b> 1-Nov-2007<br><b>Respondent</b> Oxid L.P.<br><b>Case ID No.</b> 34893<br><b>Reg. Ent. Reference No.</b> RN100210350<br><b>Media [Statute]</b> Water Quality<br><b>Enf. Coordinator</b> Andrew Hunt<br><b>Violation Number</b> <input type="text" value="1"/>  | <b>Docket No.</b> 2007-1781-IWD-E<br><div style="text-align: right;"><b>PCW</b></div> <div style="text-align: right; font-size: small;"> Policy Revision 2 (September 2002)<br/> PCW Revision November 6, 2007 </div>   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>Rule Cite(s)</b> Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. 02102, Effluent Limitations and Monitoring Requirements No. 1  |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>Violation Description</b> Failed to comply with the permitted effluent limitations, as shown in the attached effluent table.   |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>Base Penalty</b> <input style="width: 100px;" type="text" value="\$10,000"/>   |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>   |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| OR  | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> <td style="text-align: center;">x</td> <td rowspan="2" style="vertical-align: middle; padding-left: 10px;"> <b>Percent</b> <input style="width: 50px;" type="text" value="10%"/> </td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> </tr> </table> |   | <b>Harm</b>   |   |                            |   | <b>Release</b>  | Major  | Moderate                                  | Minor                                     |   | Actual | <input style="width: 50px;" type="text"/> | <input style="width: 50px;" type="text"/> | x   | <b>Percent</b> <input style="width: 50px;" type="text" value="10%"/> | Potential | <input style="width: 50px;" type="text"/> | <input style="width: 50px;" type="text"/> | <input style="width: 50px;" type="text"/> |
|   | <b>Harm</b>   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>Release</b>  | Major   | Moderate  | Minor   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| Actual  | <input style="width: 50px;" type="text"/>   | <input style="width: 50px;" type="text"/>   | x   | <b>Percent</b> <input style="width: 50px;" type="text" value="10%"/>  |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| Potential   | <input style="width: 50px;" type="text"/>   | <input style="width: 50px;" type="text"/>   | <input style="width: 50px;" type="text"/>   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>&gt;&gt; Programmatic Matrix</b>   |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
|   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> <td rowspan="2" style="vertical-align: middle; padding-left: 10px;"> <b>Percent</b> <input style="width: 50px;" type="text" value="0%"/> </td> </tr> <tr> <td></td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> <td><input style="width: 50px;" type="text"/></td> </tr> </table>  |   | Major   | Moderate  | Minor                      |   | Falsification   | <input style="width: 50px;" type="text"/>  | <input style="width: 50px;" type="text"/> | <input style="width: 50px;" type="text"/> | <b>Percent</b> <input style="width: 50px;" type="text" value="0%"/> |        | <input style="width: 50px;" type="text"/> | <input style="width: 50px;" type="text"/> | <input style="width: 50px;" type="text"/> |  |           |   |   |   |
|   | Major   | Moderate  | Minor   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| Falsification   | <input style="width: 50px;" type="text"/>   | <input style="width: 50px;" type="text"/>   | <input style="width: 50px;" type="text"/>   | <b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
|   | <input style="width: 50px;" type="text"/>   | <input style="width: 50px;" type="text"/>   | <input style="width: 50px;" type="text"/>   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| Matrix Notes  | <div style="border: 1px solid black; padding: 5px;"> Human health and or environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation. </div>   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>Adjustment</b> <input style="width: 100px;" type="text" value="\$9,000"/>  |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <input style="width: 100px;" type="text" value="\$1,000"/>  |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>Violation Events</b>   |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <table style="width: 100%;"> <tr> <td style="width: 40%;">Number of Violation Events <input style="width: 50px;" type="text" value="4"/></td> <td style="width: 20%; text-align: center;"><input style="width: 50px;" type="text" value="154"/></td> <td style="width: 40%;">Number of violation days</td> </tr> </table><br><table style="width: 100%;"> <tr> <td style="width: 20%; vertical-align: middle; text-align: right; font-size: small;"> mark only one<br/>with an x </td> <td style="width: 20%; border: 1px solid black; padding: 2px;"> <div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 100%; text-align: center;">daily</div> <div style="width: 100%; text-align: center;">monthly</div> <div style="width: 100%; text-align: center;">quarterly</div> <div style="width: 100%; text-align: center;">semiannual</div> <div style="width: 100%; text-align: center;">annual</div> <div style="width: 100%; text-align: center;">single event</div> </div> </td> <td style="width: 60%; border: 1px solid black; padding: 2px;"> <div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;">x</div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> </div> </td> <td style="width: 20%; vertical-align: middle; padding-left: 10px;"> <b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$4,000"/> </td> </tr> </table><br><div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> Four quarterly events are recommended for Outfalls 001 and 002. </div> |   | Number of Violation Events <input style="width: 50px;" type="text" value="4"/>  | <input style="width: 50px;" type="text" value="154"/>   | Number of violation days  | mark only one<br>with an x | <div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 100%; text-align: center;">daily</div> <div style="width: 100%; text-align: center;">monthly</div> <div style="width: 100%; text-align: center;">quarterly</div> <div style="width: 100%; text-align: center;">semiannual</div> <div style="width: 100%; text-align: center;">annual</div> <div style="width: 100%; text-align: center;">single event</div> </div> | <div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;">x</div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> </div> | <b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$4,000"/> |   |   |   |        |   |   |   |  |           |   |   |   |
| Number of Violation Events <input style="width: 50px;" type="text" value="4"/>  | <input style="width: 50px;" type="text" value="154"/>   | Number of violation days  |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| mark only one<br>with an x  | <div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 100%; text-align: center;">daily</div> <div style="width: 100%; text-align: center;">monthly</div> <div style="width: 100%; text-align: center;">quarterly</div> <div style="width: 100%; text-align: center;">semiannual</div> <div style="width: 100%; text-align: center;">annual</div> <div style="width: 100%; text-align: center;">single event</div> </div>   | <div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;">x</div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> <div style="width: 100%; text-align: center;"><input style="width: 90%;" type="text"/></div> </div> | <b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$4,000"/>                                |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>Economic Benefit (EB) for this violation</b>   |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <table style="width: 100%;"> <tr> <td style="width: 50%;">Estimated EB Amount <input style="width: 150px;" type="text" value="\$1,170"/></td> <td style="width: 50%; text-align: right;"> <b>Statutory Limit Test</b><br/> Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$6,400"/> </td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 10px;"> <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$6,400"/> </td> </tr> </table>  |   | Estimated EB Amount <input style="width: 150px;" type="text" value="\$1,170"/>  | <b>Statutory Limit Test</b><br>Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$6,400"/> | <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$6,400"/> |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| Estimated EB Amount <input style="width: 150px;" type="text" value="\$1,170"/>  | <b>Statutory Limit Test</b><br>Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$6,400"/>   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$6,400"/>   |   |   |   |   |                            |   |   |  |   |   |   |        |   |   |   |  |           |   |   |   |

**Economic Benefit Worksheet**

Respondent Oxid L.P.  
Case ID No. 34893  
Reg. Ent. Reference No. RN100210350  
Media Water Quality  
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |          |            |            |     |      |         |         |
|--------------------------|----------|------------|------------|-----|------|---------|---------|
| Equipment                |          |            |            | 0.0 | \$0  | \$0     | \$0     |
| Buildings                |          |            |            | 0.0 | \$0  | \$0     | \$0     |
| Other (as needed)        | \$10,000 | 1-Aug-2006 | 2-Apr-2008 | 1.7 | \$56 | \$1,114 | \$1,170 |
| Engineering/construction |          |            |            | 0.0 | \$0  | \$0     | \$0     |
| Land                     |          |            |            | 0.0 | \$0  | n/a     | \$0     |
| Record Keeping System    |          |            |            | 0.0 | \$0  | n/a     | \$0     |
| Training/Sampling        |          |            |            | 0.0 | \$0  | n/a     | \$0     |
| Remediation/Disposal     |          |            |            | 0.0 | \$0  | n/a     | \$0     |
| Permit Costs             |          |            |            | 0.0 | \$0  | n/a     | \$0     |
| Other (as needed)        |          |            |            | 0.0 | \$0  | n/a     | \$0     |

Notes for DELAYED costs

Estimated cost to evaluate causes of effluent excursions and to rehabilitate the system. Date Required is first month of non-compliance. Final Date is expected date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,170

Screening Date 1-Nov-2007

Docket No. 2007-1781-IWD-E

PCW

Respondent Oxid L.P.

Policy Revision 2 (September 2002)

Case ID No. 34893

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100210350

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. 02102, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit as documented in a record review conducted on September 11, 2007. Specifically, the Discharge Monitoring Report ("DMR") for the monitoring period ending January 31, 2007 was not submitted by February 20, 2007.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

|           | Harm  |          |       |
|-----------|-------|----------|-------|
| Release   | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0%

## &gt;&gt; Programmatic Matrix

|               | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| Falsification |       |          | x     |

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1

274 Number of violation days

|                            |              |   |
|----------------------------|--------------|---|
| mark only one<br>with an x | daily        |   |
|                            | monthly      |   |
|                            | quarterly    |   |
|                            | semiannual   |   |
|                            | annual       |   |
|                            | single event | x |

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$160

This violation Final Assessed Penalty (adjusted for limits) \$160

**Economic Benefit Worksheet**

Respondent Oxid L.P.  
 Case ID No. 34893  
 Reg. Ent. Reference No. RN100210350  
 Media Water Quality  
 Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |      |             |            |     |     |     |     |
|--------------------------|------|-------------|------------|-----|-----|-----|-----|
| Equipment                |      |             |            | 0.0 | \$0 | \$0 | \$0 |
| Buildings                |      |             |            | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)        |      |             |            | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction |      |             |            | 0.0 | \$0 | \$0 | \$0 |
| Land                     |      |             |            | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System    | \$25 | 20-Feb-2007 | 2-Nov-2007 | 0.7 | \$1 | n/a | \$1 |
| Training/Sampling        |      |             |            | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal     |      |             |            | 0.0 | \$0 | n/a | \$0 |
| Permit Costs             |      |             |            | 0.0 | \$0 | n/a | \$0 |
| Other (as needed)        |      |             |            | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to prepare and submit the electronic DMR. Date Required is the date the DMR was due. Final Date is the date the DMR was submitted.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1



Screening Date 1-Nov-2007

Docket No. 2007-1781-IWD-E

PCW

Respondent Oxid L.P.

Policy Revision 2 (September 2002)

Case ID No. 34893

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100210350

Media [Statute] Water Quality

Enf. Coordinator Andrew Hunt

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. 02102, Monitoring and Reporting Requirements No. 1

## Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit as documented in a record review conducted on September 11, 2007. Specifically, the Respondent failed to submit the DMR parameter data for pH minimum (su) for the monitoring periods ending June 30, 2006, July 31, 2006, and December 31, 2006, by the 20th day of the month following the monitoring periods.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          | x     |

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 3

92

Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

Violation Base Penalty \$300

Three single events are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$480

This violation Final Assessed Penalty (adjusted for limits) \$480

## Economic Benefit Worksheet

**Respondent** Oxid L.P.  
**Case ID No.** 34893  
**Reg. Ent. Reference No.** RN100210350  
**Media** Water Quality  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

### Delayed Costs

|                          |      |             |             |     |     |     |     |
|--------------------------|------|-------------|-------------|-----|-----|-----|-----|
| Equipment                |      |             |             | 0.0 | \$0 | \$0 | \$0 |
| Buildings                |      |             |             | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)        |      |             |             | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction |      |             |             | 0.0 | \$0 | \$0 | \$0 |
| Land                     |      |             |             | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System    | \$25 | 20-Jul-2006 | 28-Oct-2007 | 1.3 | \$2 | n/a | \$2 |
| Training/Sampling        |      |             |             | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal     |      |             |             | 0.0 | \$0 | n/a | \$0 |
| Permit Costs             |      |             |             | 0.0 | \$0 | n/a | \$0 |
| Other (as needed)        |      |             |             | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated costs to provide missing DMR parameter data. Date Required is the first date a complete DMR was due. Final Date is date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$2

# **EFFLUENT VIOLATION TABLE**

Oxid, L.P.

TPDES Permit No. 02102

Docket No. 2007-1781-IWD-E

| Months             | Oil & Grease Single Grab<br>max. conc. | COD Single Grab max.<br>conc. |
|--------------------|--|-------------------------------|
|                    | Limit = 15 mg/L                        | Limit = 200 mg/L              |
| <b>Outfall 001</b> |  |                               |
| <b>8/31/2006</b>   | c                                      | 315                           |
| <b>3/31/2007</b>   | c                                      | 357                           |
| <b>4/30/2007</b>   | 18.1                                   | c                             |
| <b>Outfall 002</b> |  |                               |
| <b>12/31/2006</b>  | c                                      | 263                           |
| <b>3/31/2007</b>   | c                                      | 560                           |
| <b>4/30/2007</b>   | c                                      | 207                           |
| <b>5/31/2007</b>   | c                                      | 263                           |

conc. = concentration

c = compliant

COD = chemical oxygen demand

max. = maximum

mg/L = milligrams per Liter



# Compliance History

Customer/Respondent/Owner-Operator: CN600124747 Oxid L.P. Classification: AVERAGE Rating: 0.30  
 Regulated Entity: RN100210350 OXID Classification: AVERAGE Site Rating:0.30

ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000803411  
 GENERATION  
 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 31613  
 GENERATION (SWR)  
 WASTEWATER PERMIT TPDES0106283  
 WASTEWATER PERMIT WQ0002102000  
 WASTEWATER PERMIT TPDES0075060  
 WASTEWATER PERMIT TX0075060  
 VOLUNTARY CLEANUP PROGRAM ID NUMBER 614  
 AIR NEW SOURCE PERMITS REGISTRATION 77373  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0133T  
 AIR NEW SOURCE PERMITS AFS NUM 4820100838  
 AIR NEW SOURCE PERMITS PERMIT 5026  
 AIR NEW SOURCE PERMITS PERMIT 5586  
 AIR NEW SOURCE PERMITS PERMIT 12472  
 AIR NEW SOURCE PERMITS PERMIT 12492  
 AIR NEW SOURCE PERMITS PERMIT 15843

Location: Located at 101 Concrete Street, Houston, Harris County, TX Rating Date: September 01 07  
 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 31, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 31, 2002 to October 31, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrew Hunt Phone: 512-239-1203

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 11/22/2002 (200835)
- 2 11/22/2002 (224779)
- 3 12/16/2002 (224782)
- 4 12/16/2002 (200839)
- 5 01/13/2003 (224785)
- 6 01/13/2003 (200842)
- 7 02/21/2003 (200809)
- 8 02/21/2003 (224754)
- 9 02/27/2003 (26236)
- 10 02/28/2003 (22387)

|    |            |          |
|----|------------|----------|
| 11 | 03/31/2003 | (200812) |
| 12 | 03/31/2003 | (224757) |
| 13 | 04/22/2003 | (359467) |
| 14 | 04/22/2003 | (323300) |
| 15 | 05/23/2003 | (359469) |
| 16 | 05/23/2003 | (323301) |
| 17 | 06/24/2003 | (359471) |
| 18 | 06/24/2003 | (323302) |
| 19 | 07/22/2003 | (359473) |
| 20 | 07/22/2003 | (323303) |
| 21 | 08/25/2003 | (359475) |
| 22 | 08/25/2003 | (323304) |
| 23 | 09/15/2003 | (359477) |
| 24 | 09/15/2003 | (323305) |
| 25 | 10/27/2003 | (359479) |
| 26 | 10/27/2003 | (323306) |
| 27 | 11/24/2003 | (359480) |
| 28 | 11/24/2003 | (323307) |
| 29 | 12/08/2003 | (359481) |
| 30 | 12/08/2003 | (323308) |
| 31 | 01/07/2004 | (255848) |
| 32 | 01/12/2004 | (359482) |
| 33 | 01/12/2004 | (323309) |
| 34 | 02/25/2004 | (359465) |
| 35 | 03/18/2004 | (359466) |
| 36 | 04/23/2004 | (359468) |
| 37 | 05/20/2004 | (359470) |
| 38 | 06/23/2004 | (359472) |
| 39 | 07/22/2004 | (359474) |
| 40 | 08/24/2004 | (359476) |
| 41 | 09/22/2004 | (359478) |
| 42 | 10/25/2004 | (385999) |
| 43 | 11/23/2004 | (386000) |
| 44 | 12/21/2004 | (386001) |
| 45 | 01/18/2005 | (386002) |
| 46 | 02/22/2005 | (423906) |
| 47 | 03/24/2005 | (385998) |
| 48 | 04/07/2005 | (376595) |
| 49 | 04/25/2005 | (423907) |
| 50 | 05/31/2005 | (423908) |
| 51 | 06/27/2005 | (423909) |
| 52 | 07/20/2005 | (398030) |
| 53 | 07/22/2005 | (444710) |
| 54 | 08/25/2005 | (444711) |
| 55 | 08/31/2005 | (418599) |
| 56 | 09/06/2005 | (406116) |
| 57 | 09/23/2005 | (444712) |
| 58 | 10/27/2005 | (475515) |
| 59 | 11/28/2005 | (475516) |
| 60 | 12/27/2005 | (475517) |
| 61 | 01/23/2006 | (475518) |
| 62 | 02/21/2006 | (475513) |
| 63 | 03/20/2006 | (475514) |
| 64 | 04/20/2006 | (502957) |
| 65 | 05/22/2006 | (502958) |
| 66 | 06/20/2006 | (502959) |
| 67 | 07/11/2006 | (525293) |
| 68 | 07/17/2006 | (485312) |
| 69 | 08/21/2006 | (525294) |
| 70 | 09/06/2006 | (525295) |
| 71 | 10/03/2006 | (525296) |
| 72 | 11/08/2006 | (550042) |
| 73 | 01/11/2007 | (535589) |

|              |  |                 |          |
|--------------|--|-----------------|----------|
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | TWC Chapter 26 26.121(a)(1)  |                 |          |
| Rqmt Prov:   | PERMIT Permit Conditions No. 2g  |                 |          |
| Description: | Failure to prevent the unauthorized discharge of wastewater.               |                 |          |
| Date         | 03/31/2007   | (584870)        |          |
| Self Report? | YES  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G] |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter                 |                 |          |
| Date         | 04/30/2007   | (584871)        |          |
| Self Report? | YES  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G] |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter                 |                 |          |
| Date         | 05/31/2007   | (584872)        |          |
| Self Report? | YES  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G] |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter                 |                 |          |
| Date         | 09/06/2007   | (569848)        |          |
| Self Report? | NO   | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 335, SubChapter A 335.4                                     |                 |          |
| Description: | Facility failed to utilize a registered waste transporter.                 |                 |          |

F. Environmental audits.

|                        |  |          |
|------------------------|--|----------|
| Notice of Intent Date: | 11/22/2004   | (371349) |
| Disclosure Date:       | 05/12/2005   |          |
| Viol. Classification:  | Major  |          |
| Citation:              | 30 TAC Chapter 111, SubChapter A   |          |
| Description:           | Unauthorized dust emissions from the material handling process. The facility receives super sacks containing solid materials in granular or powder form, and material is transferred to a feed tank via open conveyor or poured directly in through the top of the tank from the super sack at an elevated drop point. |          |
| Viol. Classification:  | Major  |          |
| Citation:              | 30 TAC Chapter 116, SubChapter B<br>5C THC Chapter 382, SubChapter A   |          |
| Description:           | Reaction overheads distillation process for glycol reuse has released emissions into the atmosphere exceeding Permit Exemption X-2492.   |          |
| Disclosure Date:       | 06/17/2005   |          |
| Viol. Classification:  | Major  |          |
| Citation:              | 30 TAC Chapter 116, SubChapter B<br>5C THC Chapter 382, SubChapter A   |          |
| Description:           | Emissions from a distillation column and a flasher column under current processes do not comply with historical representations of Special Exemption X2472 and X2492 authorization.  |          |
| Notice of Intent Date: | 06/20/2007   | (574126) |
| No DOV Associated      |  |          |

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

74 01/24/2007 (584875)  
 75 03/19/2007 (584869)  
 76 03/21/2007 (553903)  
 77 04/20/2007 (584870)  
 78 05/17/2007 (584871)  
 79 06/19/2007 (584872)  
 80 07/06/2007 (584873)  
 81 08/10/2007 (584874)  
 82 09/07/2007 (569848)  
 83 10/24/2007 (594148)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

|              |  |          |                 |          |
|--------------|--|----------|-----------------|----------|
| Date         | 10/31/2002   | (224779) |                 |          |
| Self Report? | YES  |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |          |                 |          |
| Date         | 10/31/2003   | (323307) |                 |          |
| Self Report? | YES  |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |          |                 |          |
| Date         | 05/31/2004   | (359472) |                 |          |
| Self Report? | YES  |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |          |                 |          |
| Date         | 11/30/2004   | (386001) |                 |          |
| Self Report? | YES  |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |          |                 |          |
| Date         | 04/07/2005   | (376595) |                 |          |
| Self Report? | NO   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)  |          |                 |          |
| Rqmt Prov:   | PERMIT No. 02102-000 Page 2, No. 1   |          |                 |          |
| Description: | Failure to maintain compliance with the permitted effluent limits for Oil and Grease and Chemical Oxygen Demand.   |          |                 |          |
| Date         | 07/20/2005   | (398030) |                 |          |
| Self Report? | NO   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter B 116.110(a)[G]   |          |                 |          |
| Description: | Failure to obtain a permit authorization for emissions released to the atmosphere (0.2 lb of ethylene glycol and 0.1 lb of dioxane) during the emissions event occurred on 8/27/04 at Storage Tank No. 31. |          |                 |          |
| Date         | 07/31/2005   | (444711) |                 |          |
| Self Report? | YES  |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |          |                 |          |
| Date         | 12/31/2005   | (475518) |                 |          |
| Self Report? | YES  |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |          |                 |          |
| Date         | 08/31/2006   | (525295) |                 |          |
| Self Report? | YES  |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |          |                 |          |
| Date         | 12/31/2006   | (584875) |                 |          |
| Self Report? | YES  |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]   |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter   |          |                 |          |
| Date         | 01/10/2007   | (535589) |                 |          |



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
OXID L.P.  
RN100210350**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1781-IWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Oxid L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical processing facility located at 101 Concrete Street in Houston, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 28, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Forty Dollars (\$7,040) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Six Hundred Thirty-Two Dollars (\$5,632) of the administrative penalty and One Thousand Four Hundred Eight Dollars (\$1,408) is deferred



contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Submitted completed electronic Discharge Monitoring Reports ("DMR"), on October 28, 2007 for monitoring periods June 2006, July 2006, and December 2006; and
  - b. On November 2, 2007, submitted the DMR for the monitoring period ending January 31, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 02102, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on September 11, 2007, and shown in the following table:



| EFFLUENT VIOLATION TABLE |  |                               |
|--------------------------|--|-------------------------------|
| Months                   | Oil & Grease Single Grab<br>max. conc. | COD Single Grab max.<br>conc. |
|                          | Limit = 15 mg/L                        | Limit = 200 mg/L              |
| Outfall 001              |  |                               |
| 8/31/2006                | c                                      | 315                           |
| 3/31/2007                | c                                      | 357                           |
| 4/30/2007                | 18.1                                   | c                             |
| Outfall 002              |  |                               |
| 12/31/2006               | c                                      | 263                           |
| 3/31/2007                | c                                      | 560                           |
| 4/30/2007                | c                                      | 207                           |
| 5/31/2007                | c                                      | 263                           |

c = compliant

max. = maximum

COD = chemical oxygen demand

mg/L = milligrams per Liter

conc. = concentration

2. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 02102, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on September 11, 2007. Specifically, the Respondent failed to submit the DMR for the monitoring period ending January 31, 2007 by February 20, 2007.
3. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 02102, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on September 11, 2007. Specifically, the Respondent failed to submit the DMR parameter data for pH minimum for the monitoring periods ending June 30, 2006, July 31, 2006, and December 31, 2006.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Oxid L.P., Docket No. 2007-1781-IWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 02102. The certification shall include detailed supporting documentation including receipts, and /or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification and missing report data shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486





3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director


3/21/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

1-23-2008  
Date

ANDREW J. ADAMS

Name (Printed or typed)  
Authorized Representative of  
Oxid L.P.

V.P. MANUF. & SALES  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

